

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No 09/931,581

ATTORNEY DOCKET NO. Q65636

AMENDMENTS TO THE DRAWINGS

Please find attached hand-corrected Figs. 1 and 3.

Attachment: 2 Annotated Sheets

REMARKS

As a preliminary matter, the drawings are objected to for the reasons set forth on page 2 of the present Office Action. Applicant amends the drawings, as indicated in the attached hand-corrected drawings, and Applicant believes that these changes obviate the Examiner's objections to the drawings.

Claims 1-4 are all the claims pending in the present application. The Examiner considered the arguments submitted in the previous Amendment dated May 24, 2005, and found those arguments to be persuasive. However, the Examiner now applies new grounds for rejecting the claims. Specifically, claims 1, 3, and 4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hassett (U.S. Patent No. 5,805,082) in view of Ando (U.S. Patent No. 6,597,278)¹. Claim 2 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Matsumoto (U.S. Patent No. 5,952,940).²

§103(a) Rejections (Hassett/Ando) - Claims 1, 3 and 4

With respect to independent claim 1, Applicant submits, contrary to the Examiner's assertions, that Ando does not disclose or suggest at least, "said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data when communication is opened or when said apparatus starts up," as recited in claim 1. The

¹ Numbered paragraph 3 of the Office Action actually indicates that claims 1-3 are rejected over Hassett in view of Ando, however it appears that the Examiner intended to indicate that claims 1, 3, and 4 are rejected over Hassett in view of Ando.

² Numbered paragraph 5 of the Office Action actually indicates that claim 4 is rejected as being anticipated by Matsumoto, however, based on the substance of the rejection, it is clear that the Examiner intended to indicate that claim 2 is rejected as allegedly being anticipated by Matsumoto.

Examiner appears to believe that storing randomly generated communication registration identification data (or the link identification codes (LIDs)³) in the ROM/RAM 8 shown in Fig. 2, is inherent. Ando only describes the ROM/RAM 8 as storing programs that are used by the CPU for executing communication processing and data processing. *See col. 3, lines 54-63 of Ando.* Further, even if the LIDs are generated, it does not necessarily follow that said codes are stored. And even if, *arguendo*, the LIDs are stored, there is no teaching or suggestion that the LIDs would be stored in the ROM/RAM 8. Therefore, at least based on the foregoing, Applicant submits that claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that dependent claims 3 and 4 are patentable at least by virtue of their dependency from independent claim 1.

Further, with respect to claim 4, Applicant submits that the applied references do not disclose or suggest at least, " wherein said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data only when said apparatus starts up." The Examiner cites Fig. 6 and the "START" step as allegedly satisfying the above-quoted feature of claim 4. However, the "START" step, as shown in Fig. 6, does not correspond to an apparatus starting up; the "START" step of Fig. 6 simply indicates the start of the process shown in Fig. 6. At least based on the foregoing, Applicant submits that neither of the applied references disclose or suggest the specific features set forth in claim 4.

³ Random generation of a LID is described at col. 5, lines 26-31 of Ando.

§102(b) Rejections (Matsumoto) - Claim 2

With respect to independent claim 2, Applicant submits that Matsumoto does not disclose or suggest at least, "a frequency control portion for setting send and receive frequencies," and that the "control microcomputer saves in said nonvolatile memory a radio frequency at which communication was performed, and communication is performed selecting said radio frequency saved in said nonvolatile memory as a first candidate when said apparatus starts up," as recited in claim 2.

First, the Examiner cites Fig. 3A, element 35 (communication control circuit) as allegedly satisfying the claimed frequency control portion. However, the communication control circuit 35 does not set send and receive frequencies. Matsumoto simply describes the communication control circuit 35 as controlling communication with the roadside communication device 26 and carrying out signal processing such as modulation and demodulation of the radio communication signal. *See col. 6, lines 50-55.* However, there is no mention of the communication control circuit setting send and receive frequencies.

Further, the Examiner alleges that the CPU 33 inherently saves in the ROM/RAM 34 a radio frequency (FCM5) at which communication was performed. However, the FCM5 frame control message does not correspond to a radio frequency. Further, none of the passages of Matsumoto cited by the Examiner supports the allegation that a radio frequency at which communication was performed is saved in the ROM/RAM 34.

Yet further, none of the passages of Matsumoto supports the allegation that Matsumoto satisfies the feature that communication is performed by selecting said radio frequency saved in said nonvolatile memory as a first candidate when said apparatus starts up. Matsumoto appears

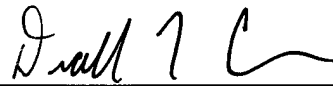
to only focus on establishing communications when communications between devices are imitated. However, Matsumoto does not disclose or suggest the above quoted operations occur when the apparatus starts up. Further, there is no teaching or suggestion in Matsumoto that a video frequency saved in the nonvolatile memory is selected.

At least based on the foregoing, Applicant submits that Matsumoto does not anticipate claim 2.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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